

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STATE OF WASHINGTON, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
STATE, et al.,

Federal Defendants.

No. 2:20-cv-00111-RAJ

**NOTICE REGARDING
SCOPE OF RELIEF**

EXHIBIT 1

EXAMPLE INTERIM RULEMAKING

PART 732 – STEPS FOR USING THE EAR

1. The authority citation for 15 CFR part 732 continues to read as follows:

Authority: 50 U.S.C. 4801-4852; 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783.

2. Section 732.2 is amended by revising the last sentence at the end of the paragraph (b) introductory text to read as follows:

§ 732.2 Steps regarding scope of the EAR.

* * * * *

(b) * * * The following also remains subject to the EAR: “software” or “technology” to produce a firearm or firearm frame or receiver, controlled under ECCN 0A501, as referenced in § 734.7(a).

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PART 734 – SCOPE OF THE EXPORT ADMINISTRATION REGULATIONS

3. The authority citation for 15 CFR part 734 continues to read as follows:

Authority: 50 U.S.C. 4801-4852; 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp., p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13637, 78 FR 16129, 3 CFR, 2014 Comp., p. 223; Notice of November 12, 2019, 84 FR 61817 (November 13, 2019).

4. Section 734.7 is amended by:

a. Revising paragraph (a) introductory text;

b. Removing paragraph (c); and

c. Adding paragraph (6) to read as follows:

§ 734.7 Published.

(a) Except as set forth in paragraph (b) of this section, unclassified “technology” or “software” is “published,” and is thus not “technology” or “software” subject to the EAR, when it has been made available to the public without restrictions upon its further dissemination such as through any of

EXAMPLE INTERIM RULEMAKING

the following described in paragraphs (a)(1) to (5). The criteria of § 734.7 are not applicable for unclassified “technology” or “software” to produce a firearm or firearm frame or receiver, controlled under ECCN 0A501, that is made available by posting on the internet in an electronic format for the operation of a 3-D printer (i.e., additive manufacturing equipment) to produce the firearm or firearm frame or receiver, except when it meets the criteria in paragraph (a)(6).

* * * * *

(6) “Software” or “technology” to produce a firearm or firearm frame or receiver, controlled under ECCN 0A501, that is made available by posting on the internet in an electronic format for the operation of a 3-D printer (i.e., additive manufacturing equipment) to produce the firearm or firearm frame or receiver that would have otherwise met the exclusion criteria in § 120.11 of the International Traffic in Arms Regulations (ITAR) (22 CFR 120.11) as of March 8, 2020, is considered “published” for purposes of this section of the EAR.

***Note to paragraph (a)(6):** Notwithstanding the criteria in § 120.11(a)(7), such technology and software when licensed by BIS remains “subject to the EAR.”*

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